

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

CARLOS TORRES, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

GRISTEDE'S OPERATING CORP., et al.,

Defendants.

ORAL ARGUMENT REQUESTED

Case No. 04-CV-3316 (PAC)

OSCAR AMARO, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

Case No. 08-CV-8531 (PAC)

GRISTEDE'S OPERATING CORP., et al.,

Defendants.

DAVID BARRETO, et al., on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

Case No. 08-CV-9627 (PAC)

GRISTEDE'S OPERATING CORP., et al.,

Defendants.

PLAINTIFFS' NOTICE OF MOTION FOR ATTORNEYS' FEES AND COSTS

Please take notice that Plaintiffs respectfully move under the Stipulation of Settlement in this matter, the Fair Labor Standards Act, and the New York Labor Law for an award of attorneys' fees of \$4,652,635.92 plus interest and costs and expenses of \$507,285.93 plus interest. In support of this Motion, Plaintiffs submit the Declaration of Justin M. Swartz and all of the exhibits annexed thereto, the Declaration of Wayne N. Outten and all of the exhibits

annexed thereto, the Declaration of Samuel Estreicher and all of the exhibits annexed thereto, Plaintiffs' Memorandum of Law in support of this Motion, dated July 1, 2011, and the Declarations of James M. Finberg, Robert L. Herbst, Laura B. Hoguet, and Barry A. Weprin. Plaintiffs may also rely on the entire record in this action, such further declarations and documents as may be filed, documents filed by Defendants, and oral argument and hearing testimony as the Court may permit or require. Plaintiffs respectfully reserve their right to file a supplemental motion for the attorneys' fees and costs and expenses incurred after June 26, 2011 for filing and briefing the instant motion, any further discovery, administering the settlement, responding to class members, ensuring that Defendants comply with their obligations under the parties' settlement agreement, negotiating or litigating injunctive relief, moving for additional attorneys' fees and costs, and other work consistent with their obligations as Class Representatives and their lawyers' obligations as Class Counsel.

Dated: New York, New York
 July 1, 2011

Respectfully submitted,

OUTTEN & GOLDEN LLP

By: /s/ Justin M. Swartz

OUTTEN & GOLDEN LLP

Justin M. Swartz
Molly A. Brooks
Mariko Hirose
3 Park Avenue, 29th Floor
New York NY 10016
(212) 245-1000

Attorneys for Plaintiffs and the Class